



## CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 05/20/99

Agenda Item 1

TO: PLANNING COMMISSION

FROM: Sheldon McClellan, Senior Planner  
Tim Koonze, Development Services Specialist

SUBJECT: Tentative Tract Map No. 6993 and Site Plan Review and Variance Application No. 98-130-20 - Paul Wong/Grand Homes L.L.C. (Applicant) Paul Wong (Owner)-Request to subdivide a 0.58±-acre parcel into 5 condominium units within 5 detached two-story buildings; approval of site and architectural plans; and a variance to allow a buttress wall (maximum 7 feet high) enclosing a private open space area within the required side yard where a maximum 6-foot height is permitted.

The property is located at 22879 Grand Street, westerly side, approximately 170 feet north of Dean Street within the RM (Medium Density Residential) District.

### RECOMMENDATION:

It is recommended that the Planning Commission:

1. Find that the project is exempt from CEQA in accordance with the California Environmental Quality Act Guidelines and reflects the independent judgement of the Planning Commission;
2. Approve Tentative Tract Map 6993 based on the attached findings and conditions of approval; and
3. Approve Site Plan Review and Variance Application 98-130-20 based on the attached findings and conditions of approval.

### DISCUSSION:

#### Project History

A similar layout for a five-unit project was approved administratively on June 26, 1997 for a former owner of the property. The main difference between that project and this development is that the previous project was a rental project and that four of the five units were approved as duplex type structures. The units are now to be sold as condominiums to provide ownership opportunities. As condominiums, owners will purchase "air space" within the dwelling units, and all infrastructure will be owned by the homeowners' association.

### Setting:

The vacant 25,144 square-foot property comprising two parcels is located in the Burbank neighborhood on the westerly side of Grand Street, approximately 170 feet north of Dean Street. The north parcel has approximately 65 feet of frontage on Grand Street and is approximately 296 feet long at the south property line. The second parcel has no frontage on Grand Street, and the combined width of both parcels at the rear is approximately 105 feet. Both parcels have frontage (no access because of the sound wall) on the D Street extension. The parcels will be combined for this development.

The site is within a developed area with a mixture of single-family homes and multi-family residential development. All the surrounding property is zoned Medium Density Residential (RM) except the east side of Grand Street between D and Dean Streets which is zoned CC-R (Central City-Residential) Subdistrict. Within this CC-R Subdistrict are the driveway entrance and parking lot for the Grand Lanes bowling facility. The most recent development in the area is an 8-unit condominium project built at the northeast corner of Grand and Dean Streets and a larger 192-unit condominium project (Pinnacle City Centre) being constructed by Legacy (Lincoln Properties) on the northeast corner of Grand and D Streets.

### Site Plan and Architectural Design

The site plan shows the five detached units fronting on the proposed private street with access to Grand Street. No access is proposed from D Street, and the 6-foot sound wall separating this property from D Street will remain. The units are positioned so that each has a private yard area behind the structure. Yard areas and side property lines are to be enclosed with a 6-foot-high solid-board wood fence except along the driveway where the south property line will be fenced with a 6-foot-high masonry sound wall.

The two-story units are designed in a contemporary architectural style with a stucco finish and "slate-like" concrete tile roof. Covered entries, stucco molding, window pop-outs, a varied roofline and window mullions add interest to each elevation. Each unit has approximately 1,633 square feet of living space, including 4 bedrooms and 2 ½ bathrooms. One of the bedrooms can be optioned as an open den. Laundry facilities are located on the second floor. While each unit has the same floor plan, the architect has provided a different façade treatment of each unit (see details on Sheet 3 of the plans) to vary their appearance along the private street.

The project provides sufficient parking on site. Two parking spaces are provided in the garage of each unit, and 5 uncovered guest-parking spaces are located within the development. An additional guest parking space can be located on Grand Street in front of the property. Total parking is 3.2 spaces per unit.

The project well exceeds the City's open space requirements. Each unit will have a minimum of 750 square feet of actual private open space. Unit 5 has over 1,500 square feet. In total, the project has approximately 9,475 square feet of usable open space or approximately 1,890 square feet per unit where 350 square feet per unit is required. A communal patio and group area

exceeding 1,000 square feet is provided for residents of the development. This group open space is shown to have a seat wall and an 8-foot-square concrete patio. Staff recommends that additional site-amenities be included in this area e.g. picnic table, over-head trellis, etc. The planting areas throughout the project, except for private yards, will be landscaped and maintained by a homeowners' association.

The Building Official has advised the applicant that the units may require handicap access. The applicant is working with the Building Inspection Division to discuss possible implications.

#### Variance Request

The applicant requests a variance from the Zoning Ordinance to allow a buttress wall 7 feet high enclosing a private open space area within the required side yard where a maximum 6-foot height is permitted. The actual maximum height of the buttress wall is 10'-8" adjacent to Unit 1 but this portion of the sound wall is not within the required side yard setback. Therefore, the variance requested is only for the height of 7 feet. The noise study prepared by Thorburn Associates states that the major noise source affecting the site is vehicle traffic along Grand and D Streets. Portions of the site for Units 1, 3 and 5 are exposed to noise levels of 65 Ldn. Provided that the buttress wall in the design for Unit 1 extends to the property line, does not dip below 5 feet at its lowest height, and has a solid wood door that fully seals the buttress wall door opening, the buttress wall in the design for Unit 1 will reduce the Ldn to below the outside use requirement for residential development of 60 Ldn. The noise report also indicates that in order to meet the outside use criteria for Units 3 and 5, a buttress wall similar in design to that for Unit 1 should be included in the design for Units 3 and 5. The plan shows a buttress wall 6 feet high for these two locations. As such no variance is needed at these locations for Units 3 and 5.

Since the Thorburn report requires only a 5-foot-high sound wall to mitigate noise from Grand Street, the 7 feet could be looked at as being excessive. The project architect, however, believes that the higher wall with the inset gate is more attractive and adds to the design of the project by balancing the mass of Unit 1 along the street frontage. Staff agrees and supports the one foot of additional height in this particular case.

#### Streets, Utilities and Grading

The project will be served by a 25-foot-wide private street constructed to public street standards which provides for two travel lanes with no on-street parking. Five parking stalls within two parking bays will provide visitor parking. Both Grand Street and "D" Street are fully improved.

There are water, sewer, and storm drain mains within Grand Street of adequate capacity to serve the project. Each unit will have individual water meters, and a separate meter will be installed for common landscape areas. The applicant will construct a 6-inch diameter sanitary sewer main to serve the proposed units. All on-site utilities will be owned and maintained by the homeowners association.

The on-site storm drain system will connect to the Alameda County Flood Control District (ACFC) 21-inch storm drain main within Grand Street. A Condition of Approval requires approval of the site grading and drainage plan by ACFC and the City Engineer.

#### Circulation

A turnaround area will be provided for passenger vehicles in front of Units 4 and 5. Striping and signage will be provided to identify the area in front of Units 4 and 5 as a turnaround area to be kept clear at all times.

Given the relatively small size of the parcel, a turnaround area is not being provided for garbage trucks or fire trucks. To ensure adequate fire protection, sprinklers will be provided in all units except Unit 1, which is adjacent to Grand Street. Because the local waste disposal company will not go into a project further than 150 feet without a turnaround area, the trash and recycling area will be located approximately 100 feet from Grand Street, at the rear of Unit 1, within a roofed enclosure, pursuant to the recommendations of the City Utilities Division.

#### General Plan, Zoning, and Neighborhood Plan Consistency

This project is consistent with goals, policies and requirements of the General Policies Plan, the Zoning Ordinance, and the Burbank Neighborhood Plan.

The site is designated as Residential – Medium Density 8.7-17.4 Dwelling Units per net acre on the General Policies Plan Map. The project is consistent with these designations in that 5 detached residential condominiums are proposed at a density of 7.8 dwelling units per net acre. A goal of the Housing Element of the General Policies Plan “*Encourages the provision of housing units in a variety of housing types which accommodate the diverse housing needs of those who live, or wish to live in the City.*” In addition, Policy 1.2 is to “*Promote development of infill housing units within existing residential neighborhoods in a variety of housing types.*” The Housing Element promotes ownership housing and sets forth a 70 percent owner-occupancy goal to promote a broad range of homeownership opportunities for those living and working in the City, to stimulate and enhance neighborhood stability, to encourage the maintenance and upkeep of the housing stock, and to help to preserve the character of existing neighborhoods. The proposed two-story detached condominiums complies with this housing goal and supports these purposes.

The proposed development is in conformance with the stated purpose of the RM District to “*promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible.*”

The project is in conformance with the *Burbank Neighborhood Plan*, Policy 1, in that the proposed residences are compatible with the surrounding multi- and single-family homes and the development will be below the density allowed. It is consistent with Policy 2, in that 2 parking spaces per unit plus guest parking is provided. The project is consistent with Policy 12 in that private and group open space, in excess of that required, is provided on-site.

## Hayward Unified School District Referral

Based on Hayward Unified School District, 1998 figures, the project will result in an estimated increase of 2 school-age children. The project is located within the Burbank Elementary, Winton Intermediate and Hayward High School attendance boundaries. The two projected students could be accommodated within the existing staffing level and classroom allocation according to the Principal of Burbank School. The district expects to receive the statutory dollar per square foot limit for Development fees.

Payment of School Taxes will be required at the time of construction to offset the impact on the school system.

With the passage of Proposition 1A on November 3, 1998, local governments are prohibited from denying projects based on the adequacy of school facilities and from seeking funds to mitigate impacts in excess of \$1.93 per square foot for residential construction. The school district is currently seeking funds made available by the State.

## Environmental Review

The approval of Variance and Site Plan Review No. 98-130-20, and Tentative Tract Map 6993 as conditioned will have no significant impact on the environment, cumulative or otherwise, and the project is exempt from CEQA review. The previously approved project proposing eight units for the site had a negative declaration which was certified and found to be in compliance with the provisions of the California Environmental Quality Act (CEQA). The project is now categorically exempt under Section 15332 (In-Fill Development Projects), Class 32.

## Public Notice

On May 3, 1999, a notice of public hearing was mailed to property owners and occupants within 300 feet of the property as noted on the latest Assessor's records, other interested parties, and to former members of the Burbank Neighborhood Task Force. A public hearing notice was also published in the Daily Review on May 8, 1999.

## Preliminary Meeting

A preliminary meeting was held on April 15, 1999 for the purpose of coordinating public comments regarding the proposed subdivision. One neighborhood property owner attended and voiced his approval of the project.

## Conclusion

The project is compatible with the surrounding residential land uses and is consistent with the *General Plan Map* designation and the requirements of the Medium Density Residential (RM) District. All minimum design standards are met or exceeded. Approval of the tentative map, site plan and variance will allow construction of a project that fulfills the City's goals to create ownership housing opportunities. The attached Conditions of Approval are all standard except for conditions 11 (façade treatment for end elevations) and 12 (amenities for the group open space area).

Prepared by:

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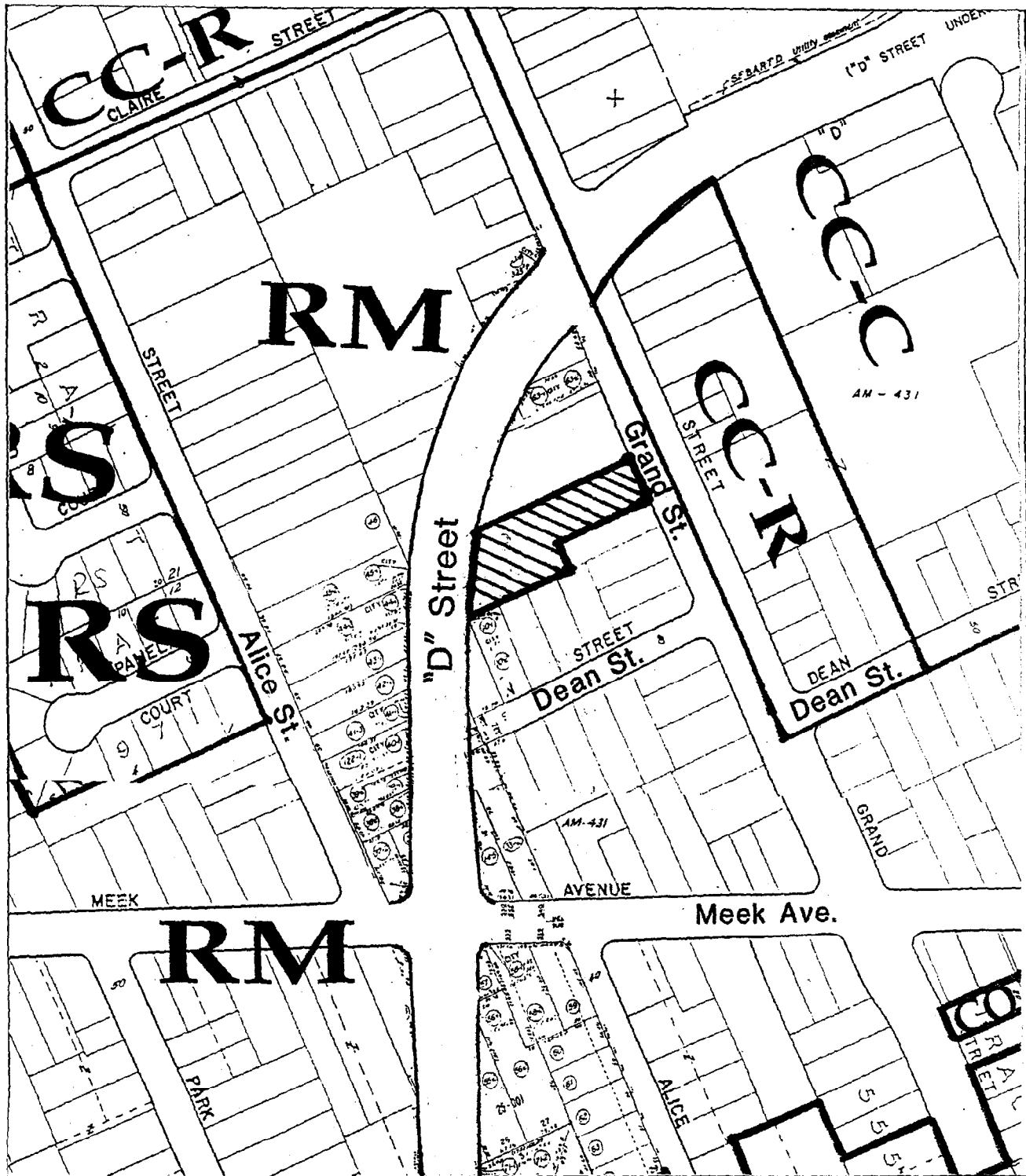
Approved by:

Dyana Anderly

Dyana Anderly, AICP  
Development Review Services Administrator

Exhibits:

- A. Area and Zoning Map
- B. Findings for Approval - Tentative Tract Map 6993
- C. Conditions of Approval - Tentative Tract Map 6993
- D. Findings for Approval - Site Plan & Variance No. 98-130-20
- E. Conditions of Approval - Site Plan & Variance No. 98-130-20
- F. Thorburn Associates Noise Study, dated 23 November 1998  
Tentative Tract Map 6993  
Site, Building and Landscape Plans



**ZONING/AREA MAP ■ SPR/VA 98-130-20**

Grand Homes LLC (Appl.)

Paul Wong (Owner)

22879 Grand Street

## **EXHIBIT B**

### **FINDINGS FOR APPROVAL TENTATIVE TRACT MAP 6993 22879 Grand Street**

- A. That approval of Tentative Tract Map 6993, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is exempt from CEQA review in that the previously approved project proposing eight units for the site had a negative declaration which was certified and found to be in compliance with the provisions of the California Environmental Quality Act (CEQA).
- B. The tentative tract map and the proposed site plan substantially conform to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Policies Plan.
- C. The site is physically suitable for the proposed type of development.
- D. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- E. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
- F. The design of the subdivision and the proposed improvements are in conformance with the conditions of approval and will not conflict with easements for access through, or use of, property within the subdivision.
- G. Existing and proposed streets and utilities are adequate to serve the project.
- H. None of the findings set forth in Section 64474 of the Subdivision Map Act have been made, and the approval of the tentative tract map is granted subject to the recommended conditions of approval.



## **EXHIBIT C**

### **CONDITIONS OF APPROVAL TENTATIVE TRACT MAP 6993 22879 Grand Street**

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

#### **PRIOR TO THE RECORDATION OF THE FINAL MAP**

#### **IMPROVEMENTS**

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

#### **Interior Private Street and Grand Street**

1. The private street shall have a 25-foot-wide right-of-way with no on-street parking except within the two parking bays. A 5-foot-wide public utility easement abutting the right-of-way shall be provided on both sides. The street design is to be approved by the City Engineer.
2. The street section shall be revised to conform to a standard crowned centerline or depressed centerline (see City Standard Detail SD-102 and KS-44).
3. To enhance the project from the street, the first 20 feet of the private street behind the public sidewalk shall be paved with decorative pavement e.g. interlocking pavers or bomanite concrete. The Director of Community and Economic Development/Planning Director shall approve the material, color and design prior to issuance of a building permit.
4. The on-site street lights shall have a decorative design approved by the Planning Director. The design shall conform to City Standard Detail SD-120.
5. The private street entrance shall conform to City of Hayward Standard Detail SD-110.

6. All curbs fronting travel ways where parking is not located, shall be painted red, signed for "No parking", and signed to allow towing of illegally parked vehicles to ensure adequate fire truck access.
7. The developer shall install a new fire hydrant along Grand Street. The type and location of the hydrants shall be approved by the Fire Marshall and the City Engineer.
8. The private street will be required to have one fire hydrant installed approximately mid-way on the street. The type of fire hydrant shall be a double-steamer type capable of flowing 1500 gallons per minute at 20 PSI.
9. The existing joint pole along the Grand Street frontage shall be relocated to a location approved by the City Engineer.
10. A sidewalk shall be installed across the property frontage to coincide with sidewalks on the adjacent parcels.
11. Two street trees shall be provided along Grand Street. The trees shall be 24" box *Celtis australis*, planted approximately 20' apart according to City Standard Detail SD-122.

#### Utilities

12. On-site water, sanitary sewer, and storm drain facilities shall be privately owned and maintained by the homeowners' association.
13. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
14. Water service shall be made available only from Grand Street and is subject to standard conditions and fees in effect at time of application.
15. Each dwelling unit shall have an individual water meter. An additional meter shall be installed for the irrigation system.
16. The water meters shall be located along the Grand Street frontage and installed per City of Hayward Standard Details 213 through 218.
17. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
18. Prior to issuance of a building permit, the gallon per minute water demand shall be shown on plans and approved by the Water Department.
19. Each unit shall have a separate sewer lateral connection. The sewer laterals shall be connected to a private 6-inch building court sanitary sewer main. The proposed sanitary sewer main shall be located 6 feet from the face-of-curb.

20. A grading and drainage plan shall be submitted to ACFC and the City Engineer for review and approval. The storm drainage system shall be a private system designed in accordance with the requirements of ACFC and the City of Hayward. Hydraulic calculations for the proposed storm drainage system shall be provided for the entire tract.
21. A Storm Water Pollution Prevention Plan (SWPPP), showing how storm water quality will be protected during and after the construction phase, shall be submitted for review and approval by the City Engineer. The plan shall also reflect the Best Management Practices Handbook for Construction Activities. It is the responsibility of the applicant/developer to comply with Federal, State and local water quality standards and regulations.
22. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
23. The project plan measures shall include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
24. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations, or a project stop order.
25. All catch basins receiving drainage from the parking areas and driveway shall be equipped with fossil filters or other approved facilities.
26. All on-site storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
27. The on-site storm drain main shall be located within the private street right-of-way and shall not be located underneath proposed landscaped areas.
28. The applicant/developer shall underground all new on-site utility lines and transformers and all existing above ground utilities (i.e., telephone and electrical poles), including transformers on the site.
29. All surface-mounted utility hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the 5-foot-wide Public Utility Easement in accordance with City Engineer requirements or, where applicable, the Fire Chief.
30. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and TCI Company regulations, including transformers.

### **Landscaping and Irrigation**

31. Construct Class B Portland Cement concrete curbs to a height of 6-inches above the finished pavement anywhere landscaped areas adjoin the driveway and the parking areas.
32. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
33. The oak tree at the northern corner of the site shall be preserved. Tree preservation measures shall be included on the grading and site plans.
34. The four trees along the southerly property line shall be preserved. A tree removal permit is required for the removal of any tree with a diameter of 10 inches or larger.
35. A smaller tree species such as, Crape Myrtle shall be substituted for the Washington Hawthorn next to the buildings and for the Scarlet Oaks along the south property line.
36. Trees shall be added to the parking area between Units 1 and 2. A small tree shall be added to the planting area between Units 2 and 3.
37. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
38. Within all required landscape areas, except private yard patios, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed.
39. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owners' representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within ten days of the inspection.
40. Trees that are severely topped or pruned shall be mitigated as provided in the City's *Tree Preservation Ordinance*. The size and species of replacement trees shall be determined by the City Landscape Architect. A tree removal permit is required prior to the removal of any tree on-site, regardless of size.

### **Walls**

41. All proposed retaining walls shall be constructed with decorative reinforced concrete.

### **Dedications and Easements**

42. All abutters' right of ingress and egress along "D" Street shall be relinquished to the City of Hayward.

43. Prior to the approval of the final map, all documents that need to be recorded with the final map shall have been approved by the City Engineer, any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

#### **Conditions, Covenants, and Restrictions**

44. Prior to the sale of any individual unit, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
45. Prior to the sale of any individual unit, or prior to the acceptance of site improvements, the applicant/developer shall establish a homeowners' association, and prepare project CC&R's for the development which shall be reviewed and approved by the Director of Community and Economic Development/Planning Director and include the following conditions:
- a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
  - b. A reserve fund shall be maintained to cover the costs of replacement and repair.
  - c. A requirement that a Homeowners' Association Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs.
  - d. The homeowners' association shall be authorized to enforce the individual covenants requiring the property owners to properly maintain front and street side yard landscaping.
  - e. The homeowners' association shall be required to maintain the planters, walls and fences along the Grand Street frontage in good repair and free of graffiti.
  - f. The homeowners' association shall maintain the landscape and irrigation in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.

#### **Subdivision Agreement**

46. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

### **PRIOR TO ISSUANCE OF A GRADING PERMIT**

47. Notwithstanding Section 10-8.11(g) of the Municipal Code, a grading permit shall be required for any on-site grading if the grading is to be done independent of the subdivision's improvement plans.
48. The grading plans shall comply with the geotechnical engineering recommendations contained in *Geotechnical Investigation, Proposed 5 Townhouses at 22879 Grand Street*, prepared by Wayne Ting and Associates, dated January 20, 1998.
49. The grading plan, with supporting calculations, and a review checklist shall be submitted to the ACFC and the City Engineer for review and approval. The proposed curb elevations are not to be less than 1.25 feet above hydraulic grade line, as shown in Figure 14 of the Hydraulic Criteria Summary, and at no point shall curb grade be below the energy grade line.
50. Grading, erosion and sedimentation control plans, which include adequate provisions for silt and erosion control in both construction and post construction phases of development, shall be submitted for review and approval by the City Engineer.
51. The applicant/developer shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.

### **PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

52. Required water system improvements shall be completed and operational prior to the start of combustible construction.
53. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pound gross vehicle weight, shall be maintained for emergency vehicle access.

### **DURING CONSTRUCTION**

54. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Director of Community and Economic Development/Planning Director:
  - a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;

- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
- f. Daily clean up of trash and debris shall occur on Grand Street;
- g. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- h. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- i. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- j. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- k. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- l. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- m. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- n. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- o. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- p. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3)

street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;

- q. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
  - r. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
  - s. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - t. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
55. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
56. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

#### **PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

57. The applicant/developer shall pay the following fees;

- a. Supplemental Building Construction and Improvement Tax;
- b. School Tax; and
- c. Park Dedication in-lieu fees for each unit. The amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.



58. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
59. Prior to granting occupancy, water services shall be installed by City crews at the developer's expense. The application for water services shall be presented to the City Inspector.
60. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
61. The street light electroliers shall be in operating condition as approved by the City Engineer.

**PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED**

62. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
63. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
64. An AC overlay along the Grand Street frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
65. The improvements associated with the Pacific Gas and Electric Company, Pacific Bell Company and TCI Company shall be installed to the satisfaction of the respective companies.
66. The subdivider shall submit an "as built" plan indicating the following:
  - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, TCI, etc; and
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.
67. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.

**FINDINGS FOR APPROVAL**  
**Site Plan Review and Variance Application No. 98-130-20**

**Paul Wong/Grand Homes L.L.C. (Applicant)**

**22879 Grand Street**

Request to subdivide a 0.58±-acre parcel to construct 5 detached residential condominiums within 5 two-story buildings and for approval for the design of the single-family structures and a variance to allow a buttress wall 7 feet high enclosing a private open space area within the required side yard where a maximum 6-foot height is permitted.

- A. That approval of Site Plan Review No. 98-130-20 as conditioned will have no significant impact on the environment, cumulative or otherwise, and the project is exempt from CEQA review and that the previously approved project proposing eight units for the site had a negative declaration which was certified and found to be in compliance with the provisions of the California Environmental Quality Act (CEQA). The project is categorically exempt under Section 15332 (In-Fill Development Projects), Class 32.
- B. That the development is compatible with surrounding structures and uses, which consists of a mixture of single-and multi-family development and that the development complies with the intent of City development policies and regulations as to building setbacks, driveway location, provision of parking on the property, provision of landscaping, etc.
- C. That the proposed five dwelling units take into consideration environmental constraints in that noise mitigation measures will be required as a condition of approval of the project.
- D. That the proposed project complies with the intent of City development policies and regulations, specifically the General Plan, the Burbank Neighborhood Plan, and the Design Review Guidelines.
- E. That the development will be operated in a manner determined to be acceptable and compatible with surrounding development in that a masonry wall will serve to lessen the noise from vehicles using the private driveway and group usable open space areas are located so as not to impose on occupants of neighboring properties.
- F. That the variance request to allow a buttress wall 7 feet high enclosing a private open space area within the required side yard is a special circumstance applicable to the property due to the requirements of the project acoustical report which indicates that the wall is necessary to maintain required sound levels within the private open space area at the rear of Unit 1.

- G. That strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the vicinity under the RM District since the City is requiring that the property be developed with multi-family ownership housing which requires the placement of the open space at the side of the structure which has greater exposure to the street and accompanying noise.
- H. That the variance request does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone since the need for the higher side yard wall (fence) is based on requirements of the acoustical report prepared by Thorburn Associates dated November 23, 1998.

**EXHIBIT E**

**CONDITIONAL APPROVAL  
Site Plan Review and Variance Application No. 98-130-20**

**Paul Wong/Grand Homes L.L.C. (Applicant)**

**22879 Grand Street**

1. The proposed Site Plan Review Application No. 98-130-20, request to subdivide a 0.58±-acre parcel to construct 5 detached residential condominiums within 5 two-story buildings and for approval for the design of the single-family structures and a variance to allow a butress wall 7 feet high enclosing a private open space area within the required side yard where a maximum 6-foot height is permitted is a permitted primary use allowed under the zoning district. The proposed residences shall be constructed according to the plans approved by the Planning Commission on May 6, 1999, stamped Exhibit "A" and titled 5 Unit Residential Condominium prepared by Bill Poon & Company, Architects, Berkeley, California. This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans shall require review and approval by the Director of Community and Economic Development/Planning Director.
2. Prior to issuance of a Certificate of Occupancy of the structures, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
3. This development shall not be constructed unless the City approves Tentative Tract Map 6993. The Conditions of Approval for Tract 6993 shall apply also to this site plan review application.
4. All parking spaces and maneuvering areas shall meet the minimum standards of the Parking Regulations. All open parking spaces shall be striped. Each open parking space shall be provided for visitors and shall not be used for the parking of recreational vehicles, camper shells or boats and trailers.
5. Garages shall be maintained free and clear for parking purposes so as to provide parking dimensions to meet City standards. Parking shall be limited to within garages or designated parking spaces only, and parking in the area immediately in front of garage doors is prohibited.
6. An automatic garage door opening mechanism shall be installed in each garage and shall be maintained in working order.
7. The exterior storage closet adjacent to the fireplace shall contain a minimum of 90 cubic feet.

8. Prior to issuance of a building permit, the developer shall submit for the approval of the Planning Director or other designated individual:
  - a. Design and materials of fencing and the masonry wall.
  - b. Design, location, and illumination of exterior lighting fixtures.
  - c. The location of the trash enclosure and the method of storage containment shall be approved by Waste Management of Alameda County.
  - d. Decorative, painted lattice design elements shall be provided for Units 1, 2 and 5. A flowering vine shall be planted at each trellis location.
9. No alterations or additions shall be made to the exterior of the building including change of building color without City review and approval by the Director of Community and Economic Development/Planning Director.
10. Roofing material on the buildings shall be a concrete tile ("slate" profile) which incorporates a variegated or flashed color terra cotta color.
11. Each unit shall have a provision for self-contained laundry facilities.
12. Building design elements (e.g. added molding, added windows, or other approved element) to soften the two-story high elevations shall be added to all end building walls (opposing walls of Units 2 and 3 and between Units 4 and 5). The end wall (west elevation) of Unit 1 shall be given major treatment since it has greater exposure to other units within the development. The enhanced end elevations shall be approved by the Director of Community and Economic Development/Planning Director prior to issuance of a building permit.
13. The group open space area shall be enhanced by placement of a decorative overhead trellis and installation of a picnic table and side benches.
14. Utility meters shall be screened by either plant materials or a decorative screen, allowing sufficient distance for reading access or maintenance.
15. Adequate lighting shall be provided along the driveway, open parking spaces, and group usable open space areas. The type of lighting fixtures and location shall be approved by the Development Review Services Division and should reflect the architectural theme of the project. Exterior lighting shall be shielded and deflected away from neighboring properties. Pole lighting shall not exceed 16 feet in height.
16. If the project necessitates a transformer, the facility shall be placed within an underground vault.
17. Any minor alterations to the proposed design, which does not require a variance to any zoning code, may be approved by the Director of Community and Economic Development/Planning Director.

18. The property shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
19. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990.
20. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2).
21. The property owner shall maintain in good repair all building exteriors, fencing, parking surfaces, landscaping, lighting, drainage improvements, trash enclosure, etc.
22. Mechanical equipment shall be prohibited on the roof unless screening and installation are provided as approved by the Director of Community and Economic Development/Planning Director.
23. No individual television or radio transmission or reception antennas shall be permitted; a central television reception antenna or enclosed attic antennas shall serve each dwelling unit; television transmission lines shall be underground.
24. The trash enclosure for the project shall have adequate area for a garbage dumpster with additional area for storage of recycling containers. The enclosure shall have a roof and walls that match the residential buildings utilizing like materials and design elements. The enclosure shall also incorporate the following features:
  - a. A 6-inch-wide curb or parking bumpers shall be provided along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A 6 inch wide parking bumper, at least 3-foot-long, should also be placed between the refuse dumpster(s) and the recycling containers.
  - b. A minimum space of 9-inches shall be maintained between the dumpster(s) and the walls of the enclosure and the recycling carts/dumpster to allow for maneuvering the dumpster(s). A drain to the sanitary sewer should be provided beneath the refuse dumpster(s) wherever wet waste, such as food waste, is generated and wherever can washing areas are located.
  - c. The gates and hinges shall be flush with the enclosure wall to ensure that the gates open straight out in order to allow adequate maneuverability of the dumpster in and out of the enclosure to service it.
  - d. The access gates to the dumpster shall be decorative solid metal.

25. The Applicant shall to submit for city review an on-site recycling plan, which will be implemented during the entire construction phase. The plan shall show the anticipated start and completion dates. The Applicant shall ensure that construction debris is removed from the site by a licensed contractor as an incidental part of a total construction service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes, or is directly loaded onto a fixed body vehicle and hauled directly to a disposal facility that holds all applicable permits.
26. The Applicant shall contact the City's franchised hauler, Waste Management of Alameda County, at 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.
27. A decorative 6-foot-high masonry wall shall be installed along the southerly property line, beginning at a point 20 feet from the front property line as indicated on Exhibit A. A six-foot-high solid-board fence shall be installed along remaining interior property lines except to within 20 feet of Grand Street and except on the westerly property line. Similar fencing shall also be placed between the buildings and the side property lines to create private yard areas behind each dwelling. The outside fence of each yard shall be gated for access and security.
28. Units #2, 3, 4 and 5 shall have fire sprinkler systems installed conforming to NFPA 13-D standards.
29. Violation of conditions is cause for fines or revocation of permit after public hearing before the duly authorized review body.